

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AARON SLOAN, }
Plaintiff, } Civil Action No. 08-163 Erie
v. }
MARIYN BROOKS, et al., }
Defendants. }

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 28, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 32], filed on January 26, 2009, recommended that Defendants' motion to dismiss or in the alternative for summary judgment [Doc. No. 17] be granted and that Plaintiff's motion to amend the complaint [Doc. No. 26] be denied as futile. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motions and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of February, 2008;

IT IS HEREBY ORDERED that the Defendants' motion to dismiss or in the alternative for summary judgement [Doc. No. 17] is GRANTED and Plaintiff's motion to amend the complaint [Doc. No. 26] is DENIED as futile.

The Report and Recommendation [Doc. No. 32] of Magistrate Judge Baxter, filed on January 26, 2009, is adopted as the opinion of the Court. The Clerk of Courts is directed to close the case.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge